

JUDGE HOLWELL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CV 2984

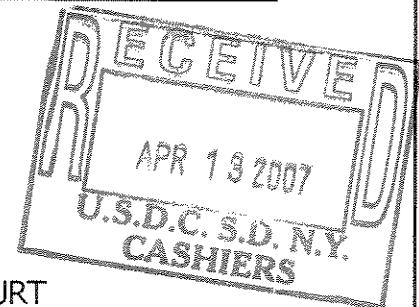
ILEEN LABOY,  
Plaintiff,

-against -

PATHMARK STORES, INC.,

Defendant

**NOTICE OF REMOVAL**



TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN AND SOUTHERN DISTRICT OF NEW YORK

This Notice of Removal on behalf of defendant respectfully shows:

1. An action was commenced against defendant in the Supreme Court of the State of New York, Bronx County on October 18, 2006 which action is entitled above. According to the complaint, plaintiff demands judgment "in such amount as exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction" ... Copies of the Summons and Complaint are attached hereto and marked as ***Exhibit "A"***.

2. Defendant timely interposed its answer to the Complaint. A copy of the Answer is annexed as ***Exhibit "B"***.

3. On December 22, 2006, defendant served a CPLR §3017(c) "Request for a Supplemental Demand" requiring plaintiff to set forth the total damages to which he deems himself entitled. A copy of the "Request for Supplemental Demand" is annexed as ***Exhibit "C"***.

4. Plaintiff's response to defendant's "Request for Supplemental Demand" was served on March 30, 2006. A copy is annexed as ***Exhibit "D"***. In his response, plaintiff demands judgment against the defendant in the amount of \$1,000,000.00 or such higher amount as may be determined by a Court and/or jury, together with costs and disbursements.

5. The above described action is now one in which this Court has original jurisdiction under the provisions of 28 U.S.C. 1332 and is one which may be removed to this Court by petitioner, pursuant to the provisions of 28 U.S.C. 1441 in that the matter in controversy exceeds the jurisdictional minimum for federal diversity actions exclusive of interest and costs.

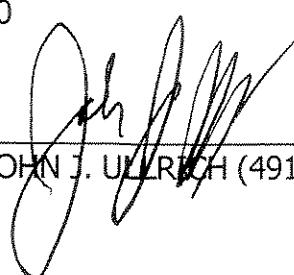
6. Plaintiff was, at the time this action was commenced, and still is, a citizen of the State of New York and resides in Bronx County. Defendant, was, at the time this action was commenced, and still is, a corporation organized under the laws of the State of Delaware and having its principal place of business in the State of New Jersey.

***WHEREFORE***, defendant requests that the action now pending against it in the Supreme Court of the State of New York, Bronx County, be removed therefrom to this Court.

Dated: New York, New York  
April 13, 2007

Yours etc.,

KRAL, CLERKIN, REDMOND, RYAN,  
PERRY & GIRVAN  
Attorneys for Defendant  
Office & P.O. Address  
69 East Jericho Turnpike  
Mineola, New York 11501  
516-742-3470

BY: 

JOHN J. ULLRICH (4913)

TO: LEVINE & GROSSMAN  
Attorneys for Plaintiff  
114 Old Country Road, Suite 460  
Mineola, New York 11501  
516-248-7575

**ATTORNEY'S AFFIRMATION**

STATE OF NEW YORK)  
ss:  
COUNTY OF NASSAU )

I, the undersigned, an attorney duly admitted to practice in the Courts of the State of New York, state:

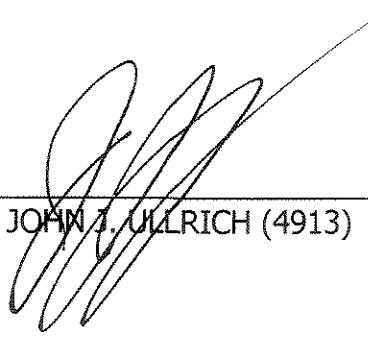
That I am associated with the firm of KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN, the attorneys of record for the defendant PATHMARK STORES, INC. in the within action;

I have read the foregoing NOTICE OF REMOVAL and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by the defendant is that the answering defendant maintains its principal place of business outside Nassau County.

The grounds of my belief as to all matters not stated upon my own knowledge are information, correspondence, conversations and a general investigation of the facts.

Dated: Mineola, New York  
April 13, 2007

JOHN J. ULRICH (4913)



ILEEN LABOY,

Plaintiff,

-against-

PATHMARK STORES, INC.,

Defendant.

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NOTICE OF REMOVAL TO FEDERAL COURT

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KRAL, CLERKIN, REDMOND, RYAN  
PERRY & GIRVAN, LLP  
Attorneys for  
PATHMARK

69 EAST JERICHO TURNPIKE  
MINEOLA, NEW YORK 11501  
(516) 742-3470

§2103 (b) (5) Notice: Service of Papers by Electronic Means is Not Accepted

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: April 13, 2007

Signature.....

Print Signer's Name JOHN J. ULLRICH.....

Service of a copy of the within

is hereby admitted.

Dated:

.....  
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on 20

NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on 20 , at M.

Dated:

KRAL, CLERKIN, REDMOND, RYAN  
PERRY & GIRVAN, LLP

Attorneys for

69 EAST JERICHO TURNPIKE  
MINEOLA, NEW YORK 11501

To:

Attorney(s) for